



GUIDELINES FOR THE "CITIZENS' COMPLAINT PROJECT"
IN THE HUMAN RIGHTS COMMISSION

JUL 1 1978

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1. The term "Citizen's Complaint Project" is not a completely accurate title, since the Human Rights Commission is now and expects in the future to be dealing with problems which citizens bring to it -- and these problems may or may not involve a complaint. Neither is this project aiming to operate as an ombudsman of the Scandinavian model, who is an adjudicator of complaints. Adjudication of complaints is not and will not be a part of this project. (The enforcement of the Nondiscrimination Ordinance covering City contractors is part of the ongoing responsibility of the Human Rights Commission and is not related to this project.)



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the nature of complaints and problems, the pro-
cedures for handling them, and to then report to the Board of Supervisors
with recommendations for possible structures or procedures for handling
them in the future.

3. This project is based on the premise that people should get more than a cold referral to another agency when they come to government with a problem. At the same time, we are not an agency for independent adjudication. What we propose to develop is a procedure which assists the citizen with the problem in such ways as the following:

- a. Determining that the agency (public or private) to which a referral is contemplated actually is the most appropriate one.
- b. Counselling to make certain complainants know what information and documents they need to clearly present their problem to another agency.

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GUIDELINES FOR THE "CITIZENS' COMPLAINT PROJECT"
IN THE HUMAN RIGHTS COMMISSION

1. The term "Citizen's Complaint Project" is not a completely accurate title, since the Human Rights Commission is now and expects in the future to be dealing with problems which citizens bring to it -- and these problems may or may not involve a complaint. Neither is this project aiming to operate as an ombudsman of the Scandinavian model, who is an adjudicator of complaints. Adjudication of complaints is not and will not be a part of this project. (The enforcement of the Nondiscrimination Ordinance covering City contractors is part of the ongoing responsibility of the Human Rights Commission and is not related to this project.)

2. Citizens' complaints are almost always described in terms of discrimination and always as involving human rights. While the traditional interpretation of discrimination may not always apply, a citizen should never be turned away without a discussion of his or her problem. In addition, in the area of discrimination a few understaffed agencies are available, but complainants often do not know where to go. There are at the Federal level, Equal Employment Opportunity Commission, U.S. Department of Housing and Urban Development, U.S. Department of Health, Education and Welfare, and Office of Federal Contract Compliance, in addition to the State level, Fair Employment Practice Commission of California. It is the HRC's policy to refer complainants whenever it is clear that another agency does have clear jurisdiction and has stronger enforcement powers. To avoid having people feel referral is a turn-away, we describe below some procedures that should be followed.

The number and variety of complaints provide a top-of-the iceberg indication of where social conditions are creating frictions and tensions in our community and so help instruct us on the kinds of programs which are needed, especially in terms of the HRC's mandate to reduce tensions.

One goal of this project is to collect and analyze for a one-year period the data on the nature of complaints and problems, the procedures for handling them, and to then report to the Board of Supervisors with recommendations for possible structures or procedures for handling them in the future.

3. This project is based on the premise that people should get more than a cold referral to another agency when they come to government with a problem. At the same time, we are not an agency for independent adjudication. What we propose to develop is a procedure which assists the citizen with the problem in such ways as the following:

- a. Determining that the agency (public or private) to which a referral is contemplated actually is the most appropriate one.
- b. Counselling to make certain complainants know what information and documents they need to clearly present their problem to another agency.

- c. Researching possible sources of assistance where there is no clear agency of effective jurisdiction.
 - d. Helping fill out the forms, e.g., complaint forms, where such are required.
 - e. Helping to get an appointment with the agency of effective jurisdiction, where this is appropriate.
 - f. Escorting complainants, in some cases, to the agency of effective jurisdiction.
 - g. Following up with complainant to see if he or she feels that everything possible has been done to resolve his or her problem.
 - h. If a large number of cases develop around a particular problem, initiating meetings with the agency of primary jurisdiction to see if more helpful procedures can be developed.
 - i. Providing language assistance where needed both in receiving the complaint and in presenting it to another agency. Such assistance will be supplied by the project staff or other HRC staff when necessary.
4. Based on the above, the guidelines for the staff of this project will be:
- a. A record of each contact will be kept to assist in follow-up and in future analysis.
 - b. The complainant will be assisted (see #3 above) in making contact with the agency of most effective jurisdiction. The complaint, unless it falls in the statutory jurisdiction of the Human Rights Commission, will not be the subject of HRC findings or adjudication.
 - c. Staff will attempt to work out with each major **referral** agency; in advance of any specific referral, the categories of problems the agency will accept and the system for making the referral, including the information required on each case.
 - d. In cases of problems between citizens, the project may act in the role of mediator, may call on HRC staff or Commissioners, or may call on other agencies such as the Police Community Relations Unit to perform this role, depending on the situation.
 - e. No citizen will be turned away without hearing him or her out and making an effective referral, if possible.
 - f. The project staff will follow up on each case to ascertain what happened, how the procedure worked, and whether the problem was soluble with the tools available to the community.
 - g. Staff will report monthly to the HRC on the above, including any problems it may have found. Staff will not initiate any formal criticism of any other agency, private or public, without approval of the Human Rights Commission

